



November 10, 2015  
House Committee on Criminal Justice  
Senate Bills 384 and 385

Dear Honorable Criminal Justice Committee Members,  
The American Civil Liberties Union of Michigan opposes SB 384 and 385 because we believe the bills pose serious civil liberties concerns.

As a policy matter the ACLU sees no reason to create and deputize a separate, additional armed enforcement squad to make warrantless arrests for bridge card fraud. SB 384 is redundant and has the potential to lead to 4<sup>th</sup> Amendment violations.

While the state certainly has an interest in preventing, investigating, and prosecuting bridge card fraud, those interests can be fulfilled by the Office of Inspector General carrying out its present duties, mainly referring appropriate cases to the prosecuting agency with jurisdiction to obtain a warrant for arrest to be executed by the law enforcement agency with jurisdiction. The resources and means for investigating and prosecuting bridge card fraud already exist. Creating a new law enforcement entity is expensive and opens up the risk of 4<sup>th</sup> amendment abuses.

Local law enforcement receives training on the 4<sup>th</sup> Amendment—for example, they are trained regarding under what circumstances they can make a warrantless arrest. Probable cause is a complicated area of law for which law enforcement officers must be adequately and continuously trained.

Further, the bills have the effect of blurring the line for citizens between an OIG agent and trained police officers, who receive extensive training and supervision. If OIG officers make mistakes, the state will be exposed to liability. For example, mistakenly "stopping" someone without reasonable suspicion violates the fourth amendment - there doesn't have to be an unlawful arrest for there to be liability.

The ACLU is left to wonder what problem these bills are meant to solve, and why that problem cannot be solved by encouraging existing law enforcement agencies to carry out their duties.

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